

MINUTES OF THE TYNGSBOROUGH CONSERVATION COMMISSION MEETING

November 14, 2006

Present

JK: Jeffery Kablik, Chairperson
RS: Robert Sherburne
LG: Lucy Gertz

HJ: Henry Jungmann, Vice Chair
ES: Ed Smith
GC: Gary Constantine

7:00 **Meeting opened** by Jeff Kalbik, Chairman

7:02P.M. Boston & Maine

Jeff had not heard anything from the. He'll call Lori for advice.

BS: Motion to continue to December 12, 2006, 7:02 p.m.

ES: 2nd

Unanimous 5-0

Mr. Jeff Carpenter of 7 Anderson Drive addressed the Commission regarding his wanting to take down several pine trees within the buffer zone. Jeff plans to visit the site this Saturday, Nov. 18 at 9a.m. to have a look.

Director's Determination for 405 Dunstable Road. Cinder block retaining wall within the 100' buffer zone. Jeff visited the site and feels it will be fine as a Director's Determination, which was fine with Rosemary Cashman, the Town Administrator.

LG: Motion to approve the Director's Determination for 405 Dunstable Road

BS: 2nd

Unanimous 5-0

Director's Determination for 57 Bowers Avenue. Mr. Yates wants to take down four large 18-24" pine trees. The trees are right next to the retaining wall/walkway. There's very little holding these trees in place. They are 15' from the house and the homeowner is concerned the trees will fall on the house and damage his property or injure someone. Jeff conducted a site visit.

BS: Motion to approve the Director's Determination for 57 Bowers Avenue with the stipulation that the stumps be left to support the bank.

GC: 2nd

Unanimous 5-0

NOI for Whispering Pine Estates, 39 Lakeview Avenue. Jeff Kablik talked to Jeff Rider of Holmberg & Howe. Jeff Rider did not have a chance to review the revised plans. He now has everything and will review them. Mr. Cricones explained that H&H has had some personnel changes which slowed the review process. Mr. Cricones mentioned that at each review a new requirement has been added to the list. Jeff explained the Commission will need to continue this hearing until we have a complete engineering review. Jeff suggested we continue for four weeks to give Mr. Cricones and Mr. Rider time to complete the review.

HJ: Motion to continue to December 12, at 7:15 P.M.

BS: 2nd

Unanimous 5-0

An abutter voiced concern about the four houses going in and impeding the water table and water quality of the Merrimack River.

7:30 p.m. RDA - Thomas Fitzgerald, 54 Pawtucket Blvd. Glen Cody, representing the applicant, trying to clean up the 1999 spill within 100' of the Merrimack River and several wells. Applicant wants to apply approx. 3600 pounds of RegeeOX into the subsurface. The applied injection will oxygenate the remaining petroleum substances. The soil and water will be retested in 6 weeks. If necessary, there will be another application. Jeff Kablik suggested that the applicant file a NOI. Glen Cody explained that (Lori?) had recommended a RDA. Jeff agreed to do this as a RDA with the condition that Glen come back and report on how the treatment went. Henry said that he felt uneasy dealing with this as a RDA, and also asked if the Tyngsborough Fire Dept. has been notified. Glen said he has the documentation back at his office. Henry would like assurance that the tanks are not leaking. Jeff invited abutters to speak.

Mr. George Geisenhainer, Pawtucket Blvd, - would like to see this gas station operating again and would like to see the situation corrected.

Ed Smith agreed with Henry that we need to be sure the tanks are secure and that the Fire Dept. is notified, as well as the Police Dept.

Conditions of RDA – notify the Fire Dept. look into last annual tank check-up/inspection report back to us after retesting in 6 weeks.

HJ: Motion to close the hearing.

BS: 2nd

Unanimous 5-0

HJ: Motion to fine a positive determination.

BS: 2nd

Unanimous 5-0 A NOI is required.

7:45 P.M. Raymond Castonguay, 22 Althea Avenue – Applicant did not show up.

LG: Motion to continue the hearing to November 28, 2006 at 7:02 P.M..

HJ: 2nd

Unanimous 5-0

8:00 P.M. RDA – Judith Bewig for 16 Gloria Avenue. Henry recused himself as an abutter within 300'.

BS moved to waive the reading of the abutters' list.

LG: 2nd

Unanimous 5-0

Plans were discussed. Jeff visited site. Contractor and Jeff showed location on aerial photo. Jeff asked if there were any questions or concerns. There were none.

ES: Motion to close the hearing.

LG: 2nd

Unanimous 5-0

ES: Motion for Negative Determination

LG: 2nd

Unanimous 5-0

8:15 P.M. Raymond Castonguay, 22 Althea Avenue. Junkyard clean-up, re-directing the driveway. Applicant showed photos of the clean-up. A lot has been cleaned up and it's so much better. Henry said how pleased he was that this is getting cleaned up. Jeff explained that the applicant should have filed and asked the applicant for a better plan for the driveway – grading, removed trees, new driveway, old driveway shown on existing plot map.

HJ: Motion to close the hearing.

ES: 2nd

Unanimous 5-0

ES: Motion to issue an Order of Conditions permitting the project.

LG: 2nd

Unanimous 5-0

Jeff asked the applicant to submit the plan to Terry Gay.

9:05 P.M. Approval of meeting minutes of 9/26/06.

LG: Motion to approve the minutes.

BS: 2nd

Unanimous 5-0

HJ: Motion to adjourn

ES: 2nd

Unanimous 5-0

Meeting adjourned at 9:06 P.M.

Respectfully submitted by Lucy Gertz